



Department of the Interior

May 8, 2008

Ms, Victoria Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

RE: Finance Docket No 33-iOT, Oaokoia, Minnesota & Eastern Railroad Corporation Consn actton into the  
Powder River Bawn - Second Amendment to Section Ktfi Prngraniataffc -\greemant  
Mmmesota, South Dakota, ijuti Wyoming

Dear Ms. Ruison

Enclosed is a copy of the fully executed Second Amendment to the Programmatic Agreement (PAj for the referenced project. By carrying out the terms of the amendment to the PA, you will fulfill your responsibilities under Section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation (At'HP) We have retained the original copy of the amendment to the PA for our files Once you have collectc'd the remaining signatures, please transmit one original copy to the ACHP so that our file will be complete

We commend the STB for addressing the imminent sunset of the original PA, executed May 15, 3003 this amendment to the PA is the appropriate way to document S'l B's commitment to ensure ihat the stipulations of the original PA are met prior to the construction of this large-scale and complex project

If we may be of further assistance a\*> the Agreement is implemented, plca&c contact Katry Harris by telephone at (202) 606-8520 or by e-mail at Utjrrisjtrnchp gtn.

Sincerely,

CharJene Dwm Vaughn, AICP  
Assistant Director  
Federal Permitting, Licensing, and Assistance Section  
Office of Federal Agenc) Programs

Hnclosure

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1033 Constitution Avenue, NW Suite 3003 Washington, DC 20004  
Phone: (202) 606-8520 Fax: (202) 606-8520 E-mail: achp@nps.gov

## **Extension of the Programmatic Agreement Regarding the Powder River Basin Expansion Project, Finance Docket No. 33407**

WHEREAS, the Programmatic Agreement (PA) Regarding the Powder River Basin Expansion Project (Project), Finance Docket No. 33407, was executed on May 15, 2003; and

WHEREAS, the PA is scheduled to expire on May 15, 2008, after a term of five years from its date of execution; and

WHEREAS, the Signatories to the PA desire to extend its terms for an additional ten year period ending May 15, 2018;

NOW, THEREFORE, the Signatories to the PA agree that the PA will remain in effect for the additional ten year period to ensure completion of all tasks and products required under its terms, provided that any Signatory may exercise his or her right to amend or terminate it in accordance with Stipulations N and O of the PA.

### **Signatories**

The Surface Transportation Board  
Ms. Victoria Kiuson, Chief, Section of Environmental Analysis

Signature: [Handwritten Signature] Date: 6/15/08

The Advisory Council on Historic Preservation  
Mr. John Fowler, Executive Director

Signature: [Handwritten Signature: John M. Fowler] Date: 6/15/08

The U.S.D.A. Forest Service, Region 2  
Mr Rick Cables, Regional Forester

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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### **Signatories**


The Surface Transportation Board  
Ms. Victoria Rutson, Chief, Section of Environmental Analysis

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The Advisory Council on Historic Preservation  
Mr. John Fowler, Executive Director

Signature: \_\_\_\_\_ TMTMTM \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.A. Forest Service, Region 2  
Mr. Rick Cables, Regional Forester

Signature:  \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office  
Nlene Terland, State Director

Signature:  Date: 4/18/05

The U.S.D.I. Bureau of Land Management Wyoming State Office  
Mr. Robert Bennett, State Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S. Army Corps of Engineers, Omaha District  
Col. David C. Press, District Engineer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S. Army Corps of Engineers, St. Paul District  
Col. Jon L. Christensen, District Engineer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Reclamation  
Mr. Dennis E. Breitzman, Area Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

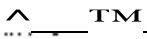
The Federal Railroad Administration  
Mr. David Valenstein, Environmental Programs Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Minnesota State Historic Preservation Office  
Ms. Nina Archabal, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office  
Mr. Gene Terland, State Director

Signature:  TM \_\_\_\_\_ Date: \_\_\_\_\_

 The U.S.D.I. Bureau of Land Management Wyoming State Office  
Mr. Robert Bennett, State Director

 DONALD A. S/MP50N Date: APi \* \* 1 2008

The U.S. Army Corps of Engineers, Omaha District  
Col. David C. Press, District Engineer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S. Army Corps of Engineers, St. Paul District  
Col. Jon L. CMstensen, District Engineer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Reclamation  
Mr. Dennis E. Breitzman, Area Manager

Signature: \_\_\_\_\_ TM \_\_\_\_\_ Date: \_\_\_\_\_

The Federal Railroad Administration  
Mr. David Valenstein, Environmental Programs Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Minnesota State Historic Preservation Office  
Ms. Nina Archabal, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

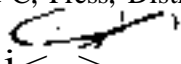
The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office  
Mr. Gene Terland, State Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Land Management Wyoming State Office  
Mr. Robert Bennett, State Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S. Army Corps of Engineers, Omaha District  
Col. David C. Press, District Engineer

Signature:  \_\_\_\_\_ Date: 28 April 68

The U.S. Army Corps of Engineers, St. Paul District  
Col. Jon L. Christensen, District Engineer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Reclamation  
Mr. Dennis E. Breitzman, Area Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The Federal Railroad Administration  
Mr. David Valenstein, Environmental Programs Manager

Signature: \_\_\_\_\_ TM \_\_\_\_\_ Date: \_\_\_\_\_

Minnesota State Historic Preservation Office  
Ms. Nina Archabal, Director

Signature: \_\_\_\_\_ ^ \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office  
Mr. Gene Terland, State Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I, Bureau of Land Management Wyoming State Office  
Mr. Robert Bennett, State Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S. Army Corps of Engineers, Omaha District  
Col David C. Press. District Engineer

Signature: \_\_\_\_\_ Dale: \_\_\_\_\_

The U.S. Army Corps of Engineers, St. Paul District  
Col. Jon L. Christensen, District Engineer

Signature:  \_\_\_\_\_ Date: April 10, 2008

The U.S.D.I. Bureau of Reclamation  
Mr. Dennis E. Breitzman, Area Manager

Signature; \_\_\_\_\_ Date: \_\_\_\_\_

The Federal Railroad Administration  
Mr, David Valenstein, Environmental Programs Manager

Signature; \_\_\_\_\_ Date: \_\_\_\_\_

Minnesota State Historic Preservation Office  
Ms. Nina Archabal, Director

Signature: \_\_\_\_\_ Date- \_\_\_\_\_

The U.S.D.t. Bureau of Land Management Montana/Dakotas State Office  
Mr. Gene Terland, State Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.O.I. Bureau of Land Management Wyoming State Office  
Mr. Robert Bennett, State Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_


The U.S. Army Corps of Engineers, Omaha District  
Col. David C. Press, District Engineer

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The U.S. Army Corps of Engineers, St. Paul District  
Col. Jon L. Christensen, District Engineer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Reclamation  
Mr. Dennis E. Breiteman, Area Manager

Signature:  Date: 4/28/08

The Federal Railroad Administration  
Mr. David Valenstein, Environmental Programs Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Minnesota State Historic Preservation Office  
Ms. Nina Archabal, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office  
Mr. Gene Terland, State Director

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Mr. Robert Bennett, State Director

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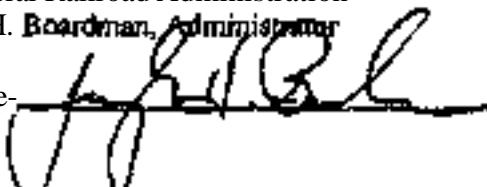
The U.S. Army Corps of Engineers, St Paul District  
Col. Michael F. Pfenning, District Engineer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Reclamation  
Mr. Dennis E. Bretanan, Area Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The Federal Railroad Administration  
Joseph H. Boardman, Administrator

Signature:  Date: 5/6/08

Minncsota State Historic Preservation Office  
Ms. Nina Archabal, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The U.S.D.I. Bureau of Land Management Montana/Dakotas State Office  
Mr. Gene Terland, State Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

~~The~~ U.S.D.I Bureau of Land Management Wyoming State Office  
Mr. Robert Bennett, State Director

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Col. David C. Press, District Engineer

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Col. Jon L. Christensen, District Engineer

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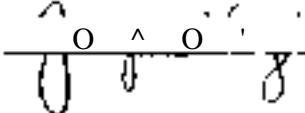
The Federal Railroad Administration  
Mr. David Valenstein, Environmental Programs Manager

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Minnesota State Historic Preservation Office  
Ms. Nina Archabal, Director

Signature: Nina M. Archabal Date: 4/22/08

South Dakota State Historic Preservation Office  
Mr. Jay D, Vogt, Director

Signature:  Date: OH- 10 - 2008

Wyoming State Historic Preservation Office  
Ms. Mary Hopkins, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Dakota, Minnesota & Eastern Railroad Corporation  
Mr. Kevin Schieffer, President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Invited Signatories**

Winnebago Tribe of Nebraska  
Mr, Matthew Pilcher, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Lower Brute Sioux Tribe  
Mr. Michael Jandreau, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Pawnee Nation of Oklahoma  
Mr. George Elton Howell, President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Cheyenne and Arapaho Tribes of Oklahoma  
Mr. Darrell FJing\*Man, Chairman

South Dakota State Historic Preservation Office  
Mr. Jay D. Vogt, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Wyoming State Historic Preservation Office  
Ms. Mary Hopkins, Director

APPROVED AS TO FORM: #2057  
Office of the Attorney General  
By: \_\_\_\_\_  
DATE: 7/30/08

Signature: d't l r / f u - ^ y Date: 5/1/05

Dakota, Minnesota & Eastern Railroad Corporation  
Mr. Kevin Schieffer, President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Invited Signatories

Winnebago Tribe of Nebraska  
Mr. Matthew PHcher, Chairman

Signature: \_\_\_\_\_ B \_\_\_\_\_ Date: \_\_\_\_\_

Lower Brule Sioux Tribe  
Mr, Michael Jandreau, Chairman

Signature: \_\_\_\_\_ TMTM \_\_\_\_\_ Date: \_\_\_\_\_

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Mr. George Elton Howell, President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Cheyenne and Arapaho Tribes of Oklahoma  
Mr. Darrell Flying-Man, Chairman

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Mr. Jay D, Vogt, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Wyoming State Historic Preservation Office  
Ms. Mary Hopkins, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Dakota, Minnesota & Eastern Railroad Corporation /*  
*Mr. Kevin Schieffer, President*

Signature: \_\_\_\_\_ Date: *11/14/2008*

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Winnebago Tribe of Nebraska  
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Mr. Michael Jandreau, Chairman

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Cheyenne and Arapaho Tribes of Oklahoma  
Mr. Darreil Flying-Man, Chairman

South Dakota State Historic Preservation Office  
Mr. Jay D Vogt, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Wyoming State Historic Preservation Office  
Ms. Sara E. Needles, Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Dakota, Minnesota & Eastern Railroad Corporation  
Mr. Kevin Schieffer, President

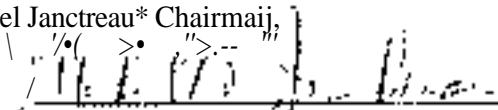
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Lower Brute Sioux Tribe  
Mr. Michael Jantreau\* Chairmai,

Signature:  \_\_\_\_\_ Date: \_\_\_\_\_

Pawnee Nation of Oklahoma  
Mr. George Elton Howell, President

Signature: ^ \_\_\_\_\_ Date: \_\_\_\_\_

Cheyenne and Arapaho Tribes of Oklahoma  
Mr. Darrel Flying-Man, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Crow Creek (Dakota Tribe  
Mr. Lester Thompson, Jr.

Signature: \_\_\_\_\_ Dale: \_\_\_\_\_

Flandreau Santee Sioux  
Mr. Joshua Weston, President

Signature: \_\_\_\_\_ TM TM \_\_\_\_\_ Date: \_\_\_\_\_

Kiowa Tribe of Oklahoma  
Mr. Billy Evans Horse, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Menominee Indian Tribe of Wisconsin  
Ms. Lisa Waukau, Chairwoman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Oglala Lakota Tribe  
Mr. John Yellow Bird Steele, President

Signature: \_\_\_\_\_ **Date:** \_\_\_\_\_

Ponca Tribe of Nebraska  
Mr. Larry Wright, Jr.

Signature: ^ \_\_\_\_\_ Date: \_\_\_\_\_

Santee Sioux Tribe of Nebraska  
Mr. Roger Trudell, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Spirit Lake Tribe  
Ms. Myra Pearson, Chairwoman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Turtle Mountain ESaml of Chippewa  
Mr. David Brien, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Cheyenne River Lakota Tribe  
Mr. Joseph Brings Plenty, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Crow Nation  
Mr. Carl Venne, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Ft Peck Assiniboiné and Sioux Tribes  
Mr. John Morales, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Northern Arapaho Tribe  
Mr. Richard Brannan, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Omaha Tribe of Nebraska  
Mr, Mitchell Parker, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Prairie Island Indian Community  
Ms, Audrey Bennett, President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Shakopee Mdewakanton Sioux (Dakota)  
Mr. Stanley Crooks, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Standing Rock Sioux Tribe  
Mr. Ron His-Horse-Is-Thunder, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Upper Sioux Indian Community  
Mr. Kevin Jensvold, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comanche Tribe of Oklahoma  
Mr. Wallace CofTey, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Eastern Shoshone Tribe  
Mr, Ivan Posey, Chairman

Signature: \_\_\_\_\_<sup>TM</sup> Date: \_\_\_\_\_

Ho-Chunk Nation  
Mr. George R. Lewis, President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

LowerSioux Community  
Ms. Shannon Blue, Chairperson

Signature: \_\_\_\_\_ Date; \_\_\_\_\_

Northern Cheyenne Tribe  
Mr. Eugene Little Coyote, President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Rosebud Lakota Tribe  
Mr. Rodney Bordeaux

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Sisseton-Wahpeton Dakota Nation  
Mr. Michael Selvage, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Three Affiliated Tribes (MHA Nation)  
Mr. Marcus Wells, Chairman

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Yankton Sioux Tribe  
Mr. Robert Coumoyer, Chairman

Signature^ \_\_\_\_\_ Date: \_\_\_\_\_